

REMARKS/ARGUMENTS

Claims 19-34, 36, and 37 are pending in this application. By this Amendment, Applicant AMENDS claims 19, 32, 34, 36, and 37 and CANCELS claim 35.

Claims 19-36 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ito (U.S. 6,290,017). Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito in view of Imani (U.S. 4,445,585).

Applicant respectfully traverses the rejections of claims 19-34, 36, and 37.

Claim 19 has been amended to recite:

A saddle riding vehicle comprising:
a head pipe that supports a steering shaft so as to rotate freely;
a body frame including a main frame that is connected to the head pipe and extends obliquely downward in a middle portion of a width of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear; and
a motor supported by and suspended from the main frame and the subframes such that the motor is not supported from below. (emphasis added)

Applicant's claims 32 and 34 have been amended to recite features that are similar to the features recited in Applicant's claim 19, including the above-emphasized features.

The Examiner alleged that Ito teaches a main frame 3 including a head pipe and left and right subframes 51 extending obliquely downward and to the rear, wherein a connecting portion of the main frame and subframes is located ahead of a portion of the main frame 57 supporting the motor.

Applicant has amended claim 19, and similarly claims 32 and 34, to recite the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward in a middle portion of a width of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear." Support for these features is found, for example, in Fig. 2 of Applicant's drawings.

In contrast, Ito teaches a pair of main frames 57 extending along both the left and

right sides of the vehicle (see, for example, Fig. 2 of Ito). Accordingly, neither the width nor the weight of the vehicle of Ito can be reduced as in the presently claimed invention. Ito does not remotely teach or suggest that a main frame 57 could be provided to extend obliquely downward along the middle in the width direction of the vehicle.

Thus, Ito clearly fails to teach or suggest the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward in a middle portion of a width of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear," as recited in Applicant's claim 19, and similarly in Applicant's claims 32 and 34.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 19, 32, and 34 under 35 U.S.C. § 102(b) as being anticipated by Ito.

The Examiner relied upon Imani et al. to allegedly cure the deficiencies of Ito. However, Imani et al. clearly fails to teach or suggest the features of "a body frame including a main frame that is connected to the head pipe and extends obliquely downward in a middle portion of a width of the vehicle toward the rear of the vehicle, and a pair of left and right subframes that are connected to left and right sides of the main frame, respectively, and extend obliquely downward to the rear," as recited in Applicant's claim 19, and similarly in Applicant's claims 32 and 34. Thus, Applicant respectfully submits that Imani fails to cure the deficiencies of Ito described above.

Accordingly, Applicant respectfully submits that Ito and Imani, applied alone or in combination, fail to teach or suggest the unique combination and arrangement of elements recited in Applicant's claims 19, 32, and 34.

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 19, 32, and 34 are allowable. Claims 20-31, 33, 36, and 37 depend upon claims 19, 32, and 34, and are therefore allowable for at least the reasons that claims 19, 32, and 34 are allowable.

In view of the foregoing amendments and remarks, Applicant respectfully submits

Application No. 10/568,487
August 24, 2009
Reply to the Office Action dated June 11, 2009
Page 9 of 9

that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

Dated: August 24, 2009

/Stephen R. Funk #57,751/
Attorneys for Applicant

KEATING & BENNETT, LLP
1800 Alexander Bell Drive, Suite 200
Reston, VA 20191
Telephone: (571) 313-7440
Facsimile: (571) 313-7421

Joseph R. Keating
Registration No. 37,368

Stephen R. Funk
Registration No. 57,751